General Assembly

Distr.: General
1 December 2009

Sixty-fourth session
Agenda item 64

# Resolution adopted by the General Assembly

[*without reference to a Main Committee (A/64/L.11 and Add.1)*]

## 64/10. Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict

*The General Assembly*,

*Guided* by the purposes and principles of the Charter of the United Nations,

*Recalling* the relevant rules and principles of international law, including international humanitarian and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, [1] which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling also* the Universal Declaration of Human Rights[2] and the other human rights covenants, including the International Covenant on Civil and Political Rights,[3] the International Covenant on Economic, Social and Cultural Rights[3] and the Convention on the Rights of the Child,[4]

*Recalling further* its relevant resolutions, including resolution ES-10/18 of 16 January 2009 of its tenth emergency special session,

*Recalling* the relevant Security Council resolutions, including resolution 1860 (2009) of 8 January 2009,

*Recalling also* the relevant resolutions of the Human Rights Council, including resolution S-12/1 of 16 October 2009,

*Expressing its appreciation* to the United Nations Fact-Finding Mission on the Gaza Conflict, led by Justice Richard Goldstone, for its comprehensive report,[5]

*Affirming* the obligation of all parties to respect international humanitarian law and international human rights law,

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[1] United Nations, *Treaty Series*, vol. 75, No. 973.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[5] A/HRC/12/48.



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*Emphasizing* the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

*Gravely concerned* by reports regarding serious human rights violations and grave breaches of international humanitarian law committed during the Israeli military operations in the Gaza Strip that were launched on 27 December 2008, including the findings of the Fact-Finding Mission and of the Board of Inquiry convened by the Secretary-General,[6]

*Condemning* all targeting of civilians and civilian infrastructure and institutions, including United Nations facilities,

*Stressing* the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

*Convinced* that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of a comprehensive, just and lasting peace and stability in the Middle East,

1. *Endorses* the report of the Human Rights Council on its twelfth special session, held on 15 and 16 October 2009;[7]

2. *Requests* the Secretary-General to transmit the report of the United Nations Fact-Finding Mission on the Gaza Conflict[5] to the Security Council;

3. *Calls upon* the Government of Israel to take all appropriate steps, within a period of three months, to undertake investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, towards ensuring accountability and justice;

4. *Urges*, in line with the recommendation of the Fact-Finding Mission, the undertaking by the Palestinian side, within a period of three months, of investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, towards ensuring accountability and justice;

5. *Recommends* that the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War,[1] undertake as soon as possible the steps necessary to reconvene a Conference of High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1;

6. *Requests* the Secretary-General to report to the General Assembly, within a period of three months, on the implementation of the present resolution, with a view to the consideration of further action, if necessary, by the relevant United Nations organs and bodies, including the Security Council;

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[6] A/63/855-S/2009/250.

[7] A/64/53/Add.1.

7. *Decides* to remain seized of the matter.

*39th plenary meeting*
*5 November 2009*